

**0710-0005 “Record of Arrivals and
Departures of Vessels at Marine Terminals”**

SUPPORTING STATEMENT – PART A

A. JUSTIFICATION

1. Need for the Information Collection

The Corps of Engineers uses ENG Form 3926 or an automated equivalent, Record of Arrivals and Departures, as a quality control instrument by comparing the data collected on the Corps' Vessel Operation Report (OMB Approval Number 0710-0006) with that collected on the 3926. The information is voluntarily submitted by the respondents to assist the Waterborne Commerce Statistics Center (WCSC) in the identification of vessel operators who neglect to report significant vessel moves and tonnage. One example of where this information is petroleum shipped out of Valdez, Alaska. Without the information furnished on the ENG Form 3926 millions of tons of petroleum shipments would go unreported each year. This situation exists because there are many vessel operating companies moving crude petroleum from Valdez to points south. Unless we know who is moving the crude oil, we cannot enforce the law that requires them to report to WCSC.

The authority for the U.S. Army Corps of Engineers to collect data on vessel operations and cargo movements is given by Section 11 of 42nd Stat 1043; Rivers and Harbors Appropriation Act of 1922 as amended by PL 99 662.

SEC. 11. That owners, agents, masters, and clerks of vessels and other craft plying upon the navigable waters of the United States, and all individual and corporations engaged in transporting their own goods upon the navigable waters of the United States, shall furnish such statements relative to vessels, passengers, freight, and tonnage as may be required by the Secretary of War: Provided, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information.

That every person or persons offending against the provisions of this section, shall, for each and every offense, be liable to a fine of not more than \$5,000 or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. In addition the Secretary may access a civil penalty of up to \$2,500, per violation, against any person or entity that fails to provide timely, accurate statements required to be submitted pursuant to this section by the Secretary.

2. Use of the Information

The information collected on ENG Form 3926 or an authorized automated equivalent enables WCSC to identify significant movements of vessels and tonnage.

The example of Valdez, Alaska mentioned in 1. above represents the largest and most critical tonnage in domestic waterborne trade. The information also enables WCSC to monitor the cargo

movements at several east coast ports as well as Great Lakes ports. It also enables WCSC to monitor the continuity (i.e., port to port movements) of deep draft vessels engaged in general cargo trade.

3. Use of Information Technology

Terminal operators with adequate computer resources are encouraged to consider submission of their reports in electronic media because this represents a significant reduction in burden hours for the respondent. We are currently receiving approximately 30% of these reports on computer printouts by email rather than manual coding. WCSC works with terminal operators to assist in the conversion from manual to automated reporting procedures.

4. Non-duplication

The WCSC is the sole authorized collector of data on domestic waterborne commerce and provides same to Maritime Administration (MARAD), Department of Energy (DOE), the Coast Guard, State taxing agencies, U. S. Customs and Border Protection, and the Internal Revenue Service.

The information collected on ENG Form 3926 is used as a quality control instrument for verification of data collected on ENG Forms 3925, 3925B, and 3925P. There is no other source for the origin, destination, commodity, and tonnage data collected on ENG Forms 3925, 3925B, and 3925P.

5. Burden on Small Business

This data collection program might involve small businesses or other small entities. However, ENG Form 3926 is most likely to be used at busy ports. WCSC requests that approximately 2% of the operators of cargo-handling terminals submit the information requested on ENG Form 3926. Since submission is voluntary, it is incumbent upon the Corps of Engineers that we establish a good voluntary relationship with each entity. Consequently, we encourage submission of computer printouts or email files, both of which reduce the burden on the respondent.

For manual data entry there are no further simplifications of procedures that are feasible. The small business organization always has the option to submit the reports on an approved equivalent such as a computer printout, or email the information in any format they can. We always encourage automation to reduce burden.

6. Less Frequent Collection

If the data collection program being conducted voluntarily on ENG Form 3926 or an automated equivalent were discontinued, then the accuracy of the statistics collected on ENG Forms 3925, 3925B, and 3925P would be negatively impacted. The most significant impact would be on the movement of crude oil at Valdez, Alaska. Millions of tons of crude oil would go unreported because we would have no way to identify the vessels and associated companies moving the crude oil. It could also result in underpayment of the Harbor Maintenance Tax and the Inland Waterway Fuel Tax.

The information provided by the 3926 is not only a useful instrument to assess the accuracy of the data collected on ENG Form 3925, 3925B, and 3925P but can also lead to the identification of new vessels or previously unreported vessels. Unreported vessels movements and commodity quantities seriously erode the usefulness of published waterborne commerce statistics.

7. Paperwork Reduction Act Guidelines

(7a) This data collection program does request that respondents submit ENG Form 3926 or an authorized automated equivalent each month. The information is used as a quality control instrument for data collected on ENG Form 3925, 3925B, and 3925P which requires a monthly submission by respondents. Monthly submission of these data critically affect the timeliness of waterborne commerce statistics.

(7b) The WCSC does not require respondents to prepare ENG Form 3926 or an authorized equivalent within a given time frame because the submission is voluntary. We do request that they submit ENG Form 3926 in the same frequency as the data received on ENG Forms 3925, 3925B, and 3925P. This is defined in Attachment 3, page 3, as within 30 days after the close of the month in which the vessel movement takes place. For vessels berthing in June the reports are requested by the last working day of July. This facilitates the use of the data received on ENG 3926 or an authorized automated equivalent as a verification instrument.

(7c) This data collection program does not require multiple copies of the vessel operation report.

(7d) This data collection program does not require that respondents maintain records for more than three years.

(7e) The arrival and departure data obtained by this data collection program cannot be generalized from any source.

(7f) All classifications and procedures have been reviewed by OMB.

(7g. & 7h) The data collected on the ENG Form 3926 are not released. It is only used internally by the Corps to ensure complete reporting by vessel operating companies on ENG Forms 3925, 3925B, 3925C, and 3925P. The Corps of Engineers Policy on the release of commercial statistics is given in 33 CFR 209.320 which are given in its entirety below:

209.320 Policy on release of commercial statistics.

The collection of commercial statistics pertaining to rivers, harbors and waterways, and annual reports thereof to Congress, required by the River and Harbor Act of June 23, 1866 (14 Stat. 70), the act of February 21, 1891 (26 Stat. 766), the River and Harbor Act of June 13, 1902 (32 Stat. 376), The River and Harbor Act of July 25, 1912 (37 Stat. 201), The River and Harbor Act of September 22, 1922 (42 Stat. 1043), and Pub. L. No.16, February 10, 1932 (47 Stat. 42). It is the policy of the Department to hold in strict confidence any data or information that has been furnished by shippers and others upon the understanding that it will not be disclosed and will only be used in

the compilation of port or waterway statistics. In case Federal or State agencies or local interests request other than general information made permissible hereunder, their attention will be called to the policy indicated in this section.

On the reverse side of the cover each pad of ENG Forms 3925/3925B/3925P the following passage is printed:

"Data specific to individual reporting companies are considered confidential and protected from unauthorized disclosure under the Trade Secrets Act (18 U.S.C. Chapter 93, Section 1905) unless otherwise authorized by law. In order to minimize the reporting burden on vessel operating companies, the Corps of Engineers will furnish data to other Federal agencies in accordance with the Paperwork Reduction Act (44 U.S.C. 3510(a))."

Title 18, U.S. Code Chapter 93 Sec. 1905 -Disclosure of Confidential Information Generally.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, published, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by a person excepts as provided by law; shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment. June 25, 1948, c. 645, 62 Stat. 791."

On the reverse side of each (ENG Form 3925/3925P) the following passage is printed.

"PRIVACY ACT STATEMENT: Submission of an Internal Revenue Service Number or a Social Security Number is mandatory for cargo moves subject to the harbor maintenance fee. These identification numbers are solicited under the authority of Executive Order 9397 and Public Law 99-662 (Attachment 2). The identification number provides unique identification of the party liable for payment of the Harbor Maintenance Tax. The number will be given to the U.S. Customs Service to compare the information provided on the ENG Form 3925/3925P with information submitted on summary sheets accompanying the payment of the fee. Failure to submit the appropriate identification number can result in a fine of not more than \$5,000.00 or imprisonment not to exceed 2 months and/or an assessment of a civil penalty up to \$2,500.00 per violation. (Section 11 of the Rivers and Harbors Appropriation Act of 1922 as amended by PL 99-662, 33 USC 555)."

PL 99-662, The 1986 Water Resources Development Act, Section 919 requires that the Corps of Engineers release petroleum product movement data to the State taxing agencies upon request.

Since the Navigation Data Center is the sole source for domestic waterborne commerce, it is

obligated to share the data as given in question 4. The statistics are released to the general public in aggregated form. All other released are screened on a need-to-know basis.

The Rule-of-Three is used to screen data when released to the general public. The rule states that it is required that at least three vessel operating companies carry a particular commodity from an area of origin to an area of destination in order to release it to the public. If there are less than three operators carrying the commodity then that commodity is grouped with some other commodity to form a more general commodity that satisfies the Rule-of-Three.

8. Consultation and Public Comments

A Notice of this proposed collection was published on September 29, 2014 (79 FR 58337) and public comment was solicited. No Comments were received.

The U. S. Army Corps of Engineers has been working closely with the waterborne transportation industry. The WCSC staff attended several industry meetings such as the Transportation Research Board Conference (Jan. 2010), the National Waterways Conference (Sep. 2009), the Gulf Intracoastal Canal Association Convention (Aug. 2010), and the Quachita River Valley Association (Aug. 2008). The WCSC staff participated in these conferences with visual displays and various materials related to the waterborne commerce statistics program. The individuals in attendance at these meetings have access to WCSC staff to discuss any problems they might have had with their program. In addition, WCSC has been meeting with industry representatives at least 3 times per year for the past 3 years as part of the Federal / Industry Logistics Standardization (FILS) group. This group is made up of representatives of the Corps of Engineers, Coast Guard, Customs and Border Protection, IRS, and members of the barge and towing industry (American Commercial Lines, Ingram Barge Lines, AEP, and Marathon Oil Company). The goal of this group is to standardize dock identification, vessel identification, and commodity identification to facilitate reporting between government agencies and industry and among industry themselves; thereby making reporting less burdensome on industry and to reduce data inconsistencies and misinterpretations. Every effort has been made to minimize the impact on private industry. Throughout calendar year 2009 WCSC staff has met with the Port of Morgan City and terminal operators in Morgan City to facilitate the receipt of Form 3926 information.

9. Gifts or Payment

The WCSC has not offered any payment or gift to respondents.

10. Confidentiality

Please reference the answer provided for question 7g. & 7h.

11. Sensitive Questions

There are no sensitive data items on either form.

12. Respondent Burden, and its Labor Costs

a. Manual data entry -There are 26 data lines on each form. In numerous discussions with respondents we have estimated that it takes approximately one-half hour to complete one form. The average respondent submits one form per month either partially or entirely completed.

b. Automated reporting procedure -We receive a computer printout with the same data that would be manually entered on the form. We also have respondents who submit their response by email; however, we consider the burden to submit an email is the same as the burden to produce a computer printout.

We have had several discussions with respondents that submit automated reports. Creating a report from existing data already collected for another purpose involves a considerable savings in burden. Considering that the manual response assumes one form per respondent per month, the estimate for the automated response should be for an average 26-line response also. Taking all these factors into consideration, our best estimate is a 5-minute burden per automated response. **ENG Form 3926**

	Annual Reporting or Disclosure Burden	
	ENG Form 3926 Submission	ENG Form 3926 Manual Automated Submission
1. Number of respondents	200	100
2. Number of responses		
Per respondent	12	12
3. Total annual responses	2400	1200
4. Hours per response	0.50	.50
5. Total hours	1200	600

Total estimated burden hours = 1800

Using the equivalent of a GS-06 step 5 for completing the forms, we estimates an hourly wage of \$19.02 per hour.

Thus 1800 burden hours * \$19.02 = \$34,236 which is the annual cost to respondents.

13. Respondent Costs Other Than Burden Hour Costs

This data collection program does not have these types of cost associated with the requirement.

14. Cost to the Federal Government

(1) The estimated Federal cost for collecting and tracking and sending to a contractor for keying is \$16,265.

(2) The estimated Federal cost for a contractor to key the hard copy ENG Form 3926 is \$31,200.

The total estimated Federal cost is \$47,465 annually.

The total estimate of annualized cost is given below:

Respondents -	\$ 24,726
Federal Government -	<u>\$ 47,465</u>
TOTAL	\$ 72,191

15. Reasons for Change in Burden

The information collected on ENG Form 3926 is not published. It is only used to improve the data completeness of information supplied by others.

16. Publication of Results

The Corps of Engineers uses ENG Form 3926 or an authorized automated equivalent as a quality control instrument for data collected on ENG Form 3925, 39258, and 3925P. The information is voluntarily submitted by respondents to assist WCSC in the identification of vessel operators who fail to report significant vessel moves and tonnage. If the forms have an expiration date, we must print new forms each time the data collection program is extended. We would then have to destroy reams of forms with the previous expiration date.

The inclusion of the expiration date causes a drastic logistics problem with the distribution of forms. The Corps works very hard to maintain a good working relationship with the respondents and the expiration date is an unnecessary cause of friction. Built-in obsolescence of government forms serves a useful purpose in some data collection programs; however, it is counterproductive in the case of an existing ongoing data collection program such as this one in the Corps of Engineers.

On the basis of the foregoing considerations, we request the OMB's approval to suppress the printing of the expiration date on ENG Form 3926. Doing so will reduce burden on both government and private industry and will also save printing costs and some trees.

17. Non-Display of OMB Expiration Date

This data collection program does not have any exceptions to the certification statement.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

This collection does not use statistical methods.